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5 Attorneys for Mr. Miguel Mateo

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 **(HONORABLE BARRY T. MOSKOWITZ)**

11 UNITED STATES OF AMERICA, ) Criminal No. 07CR3276-BTM

12 Plaintiff, )

Date: January 25, 2008

Time: 1:30 p.m.

13 v. )

NOTICE OF MOTIONS AND

14 MIGUEL MATEO )

MOTIONS TO:

1) DISMISS INDICTMENT DUE TO

MISINSTRUCTION OF GRAND JURY;

2) COMPEL DISCOVERY AND PRESERVE

16 Defendant. )

EVIDENCE; AND

3) GRANT LEAVE TO FILE FURTHER MOTIONS

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19 TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND  
LUELLA CALDITO, ASSISTANT UNITED STATES ATTORNEY:

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21 **PLEASE TAKE NOTICE** that on January 25, 2008, at 1:30 p.m., or as soon thereafter as  
22 counsel may be heard, the accused, Miguel Mateo, by and through his attorneys, Amber Baylor, and Federal  
23 Defenders of San Diego, Inc., will ask this Court to enter an order granting the motions listed below.

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**MOTIONS**

Miguel Mateo, the accused in this case, by and through his attorneys, Amber Baylor, and Federal Defenders of San Diego, Inc., pursuant to the Fourth, Fifth and Sixth Amendments to the United States Constitution, Federal Rules of Criminal Procedure and all other applicable statutes, case law and local rules, hereby moves this court for an order:

- 1) To dismiss indictment due to misinstruction of grand jury;
- 2) To compel further discovery and preserve evidence; and
- 2) To grant leave to file further motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may come to this Court's attention at the time of the hearing on these motions.

Respectfully submitted,

Dated: January 11, 2007

/s/ Amber Baylor

**AMBER BAYLOR**

Federal Defenders of San Diego, Inc.  
Attorneys for Mr. Mateo